

Notice of Allowability

Application No.

10/705,612

Examiner

Nikita Wells

Applicant(s)

YOSHINARI ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 10 November 2003.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 10 November 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 030805
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nikita Wells
Primary Examiner
Art Unit: 2881

Allowable Subject Matter

1. Claims 1-19 are allowed.
2. The following is an examiner's statement of reasons for allowance:

With respect to the independent claims 1 and 18, prior art fails to disclose or make obvious a system for analyzing mass spectrometric data comprising: an data input means for entering mass spectrometric data of a parent ion and dissociated ions resulting from multiple dissociation of the parent ion; and an analytical means for providing characteristics of a candidate for estimated structure of a precursor ion which is representative of pre-dissociation structure at each stage of dissociation, wherein the system analyzes one of the structure of precursor ion at each stage of dissociation and the structure of parent ion based on the characteristics and spectrometric data. The dependent claims 2-17 are allowable by virtue of their dependence upon the independent claim 1.

With respect to the independent claim 19, prior art fails to disclose or make obvious a computer program for a computer of a system for analyzing mass spectrometric data, wherein the computer program executes the computer in a process comprising: entering mass spectrometric data of a parent ion and dissociated ions resulting from multiple dissociation of the parent ion in an data input means; and providing characteristics of a candidate for estimated structure of a precursor ion which is representative of pre-dissociation structure at each stage of dissociation, wherein the computer program executes the computer to analyze one of the structure of precursor ion at each stage of dissociation and the structure of parent ion based on the characteristics and spectrometric data.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi et al. (2004/0111228 A1) disclose a system for analyzing mass spectrometric data for entering data of a dissociated ion of the ion measured by mass spectrometry. Graber et al. (2004/0108452 A1) disclose a system for analyzing mass spectrometric data wherein a method is developed for characterizing biomolecules utilizing a result driven strategy.
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2881

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nikita Wells". The signature is fluid and cursive, with the first name "Nikita" and the last name "Wells" clearly distinguishable.

Nikita Wells, Primary Examiner
Art Unit 2881
March 9, 2005